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SUBJECT: YEMEN: 2009 COUNTRY REPORTS ON TERRORISM

11. (U) SUMMARY. The security situation in Yemen continued to deteriorate during 2009. Al-Qa'ida Yemen (AQY) announced its merger with al-Qa'ida elements in Saudi Arabia in January 2009, creating al-Qa'ida in the Arabian Peninsula (AQAP). This strategy of consolidation and greater organization received significant publicity and demonstrated al-Qa'ida's reinvigorated recruitment efforts. The creation of AQAP coincided with fewer attacks within Yemen, possibly due to the desire of its leadership to use Yemen as a safe haven for planning of future attacks and recruitment because the central government lacks a strong presence in much of the country. The government's response to the terrorist threat was intermittent and its ability to pursue and prosecute suspected terrorists remained weak due to a number of shortcomings, including draft counterterrorism legislation stalled in Parliament. The government's focus on the "Sixth War" of the ongoing Houthi rebellion in the Sa'ada governorate in the north of the country, which began in August 2009 and had not ceased as of December 2009, political unrest in southern Yemen, and internal security concerns distracted its forces from focusing on counterterrorism activities. END SUMMARY.

12. (U) There were three terrorist attacks against foreign interests in 2009:

On March 15, four South Korean tourists were killed in a suicide bomb attack in the city of Shibam in Hadramaut province.

On March 18, a motorcade carrying South Korean government officials was attacked by a suicide bomber on the road to Sana'a International Airport.

In June, nine foreigners were kidnapped in Sa'ada, resulting in three confirmed deaths. The remaining six are still missing.

13. (U) There were a number of terrorist attacks against Yemeni interests in 2009, particularly Yemeni security and military targets. Revenge for the imprisonment or killing of fellow terrorists and raids on suspected terrorist safe houses by Yemeni security forces motivated the majority of attacks on Yemeni interests. Terrorist elements, either explicitly aligned with AQAP or offshoot actors, attacked Yemeni targets of opportunity in Ma'rib and Hadramaut in June, July, October, and November, including the assassination of three high-level security officials. AQAP has shown signs of financial strain, and Yemeni authorities suspect them to have conducted the sophisticated, highly-coordinated attack on a Yemeni bank truck in Aden on August 17 that resulted in the theft of \$500,000.

14. (U) While attacks inside Yemen decreased in number from 2008, AQAP launched a daring attempt on Saudi counterterrorism chief Prince Mohammed bin Nayef's life in Riyadh in August. A known AQAP member, claiming to seek a royal pardon during Ramadan, succeeded in gaining access to bin Nayef and detonated a bomb, killing himself but failing

to inflict serious injury on the prince. The suicide bomber is thought to have crossed into Saudi Arabia via the northern Yemeni border.

15. (U) Despite these security challenges, the government did have some successes in 2009. On January 19, the Counter Terrorism Unit (CTU) conducted a raid on an al-Qa'ida cell in Sana'a, which resulted in the death of two suspects, and the capture of another suspect and a weapons cache, including machine guns, mortars, and rocket-propelled grenades. In March, Abdullah Abdul-Rahman Mohammed al-Harbi, a Saudi AQAP member, was arrested in Ta'iz. Also in Yemen, Naif Duhais Yahya al-Harbi, another Saudi national AQAP member, surrendered and Hasan Hessian bin Alwan, a Saudi AQAP financier, was arrested in June.

16. (U) Prosecuting terrorists remained a large hurdle for Yemeni courts, largely because current law, as applied to counterterrorism and the financing of terrorism, remained weak. Counterterrorism legislation sent to a Parliamentary committee for review in 2008 remained there at year's end. The absence of effective counterterrorism legislation that criminalized the activities of those engaged in planning, facilitating, and financing acts of terrorism, both in Yemen and abroad, contributed to Yemen's appeal as a safe haven and potential base of operations for terrorists. For this reason, the government was forced to apply other available laws, including fraudulent document charges or "membership in an armed gang" charges to thwart foreign fighters going to Iraq and Afghanistan. Terrorists committing acts of terrorism in Yemen can face punishment for murder or assault under the criminal system, but terrorism itself is not a defined crime, and therefore not illegal. Legal, political, and logistical hurdles remain a hindrance to an effective detention and rehabilitation program for GTMO returnees. The government lacks a secure facility to house GTMO returnees, a plan for rehabilitating the returnees, or even the legal framework and political will to hold returnees for any more than a cursory amount of time. The government's monitoring program of released GTMO returnees remains largely ineffective.

17. (U) As Saudi security forces have clamped down on terrorism, and foreign fighters have returned from Afghanistan and Pakistan, Yemen's porous borders have allowed many terrorists to seek safe haven within Yemen. At least 35 known al-Qa'ida operatives, veterans of fighting in Afghanistan, currently reside in Sana'a. The government lacks a strong security apparatus outside major cities and its Counter Terrorism Unit (CTU) and Yemen Special Operations Force (YSOF), the state's two premier counterterrorism entities, still require additional training and funding in order to effectively target terrorist elements. Unfortunately, the government has used the CTU and YSOF in Sa'ada to fight the Houthis, which has limited their capacity to target AQAP. The government's definition of "terrorism" differs greatly from the USG definition of terrorism. In addition to AQAP attacks, the government also views the Houthi rebellion in the north, the separatist movement in the south, and piracy in the Gulf of Aden as acts of terrorism.

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